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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/025,286

12/19/2001

Michael H. Kenison

22.1444

1884

25576

7590

09/16/2005

SCHLUMBERGER CONVEYANCE AND DELIVERY

ATTN: ROBIN NAVA

555 INDUSTRIAL BOULEVARD, MD-1

SUGAR LAND, TX 77478

EXAMINER

LEE, BENJAMIN C

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,286

Applicant(s)

KENISON ET AL.

Examiner

Benjamin C. Lee

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 92-143 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 92-143 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 92-134, drawn to an electronic tag apparatus mounting structures, classified in class 340, subclass 572.8, and/or class 156, subclass 60, and/or 264/238; and/or 257/679; and/or class 235, subclass 492.
 - II. Claim 135-143, drawn to an electronic tag apparatus with signal booster, classified in class 340, subclass 572.7, and/or class 343, subclass 700MS; and/or class 455, subclass 41.1.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions I and II are such that invention II includes a signal booster feature that associated operations/functions that are lacking in invention I.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

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5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. This application contains claims directed to the following patentably distinct species of the claimed invention:

1) Claims 92-110 are drawn to an electronic tag mounting structure with slot, which in turn contain claims directed to the following subspecies of the claimed invention:

a) Claims 93-94 are drawn to a mounting structure with a “cover”.

b) Claims 97 and 103 are drawn to a mounting structure with a “flexible metal installation ring”.

c) Claims 98 and 106 are drawn to a mounting structure with a “flexible polytetrafluoroethylene/polymer installation ring”.

d) Claims 99 and 108 are drawn to a mounting structure with an “epoxy installation ring”.

e) Claims 100 and 104 are drawn to a mounting structure with a “ratchet installation ring”.

f) Claims 101 and 105 are drawn to a mounting structure with “biased tabs”.

g) Claim 107 is drawn to a mounting structure with a “ceramic material circumferential ring”.

h) Claim 109 is drawn to a mounting structure with a “ridged circumferential ring”.

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i) Claim 110 is drawn to a mounting structure with a “split-ring circumferential ring”.

2) Claims 111-112 and 125-134 are drawn to an electronic tag mounting structure with a “collar”, which in turn contain claims directed to the following subspecies of the claimed invention:

a) Claim 126 is drawn to a mounting structure with a “flexible metal circumferential ring”.

b) Claims 127 and 130 are drawn to a mounting structure with a “flexible polytetrafluoroethylene/polymer circumferential ring”.

c) Claims 128 and 132 are drawn to a mounting structure with an “epoxy circumferential ring”.

d) Claim 129 is drawn to a mounting structure with a “ratchet circumferential ring”.

e) Claim 131 is drawn to a mounting structure with a “ceramic material circumferential ring”.

f) Claim 133 is drawn to a mounting structure with a “ridged circumferential ring”.

g) Claim 134 is drawn to a mounting structure with a “split-ring circumferential ring”.

3) Claims 113-124 are drawn to an electronic tag mounting structure with a “restraining tube”, which in turn contain claims directed to the following subspecies of the claimed invention:

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- a) Claim 114 is drawn to a mounting structure with a “flexible metal circumferential ring”.
- b) Claims 115 and 118 are drawn to a mounting structure with a “flexible polytetrafluoroethylene/polymer circumferential ring”.
- c) Claims 116 and 120 are drawn to a mounting structure with an “epoxy circumferential ring”.
- d) Claim 117 is drawn to a mounting structure with a “ratchet circumferential ring”.
- e) Claim 119 is drawn to a mounting structure with a “ceramic material circumferential ring”.
- f) Claim 121 is drawn to a mounting structure with a “ridged circumferential ring”.
- g) Claim 122 is drawn to a mounting structure with a “split-ring circumferential ring”.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic for all of the species.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

7. A telephone call was made to Robin Nava on 9/14/05 to request an oral election to the above restriction requirement, but did not result in an election being made (Applicant was not available at the time, but Examiner indicated in voice mail that a written restriction Office action will be sent out to allow Applicant to respond to such restriction requirement).

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (571) 272-2963.

The examiner can normally be reached on Mon -Thur 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin C. Lee
Primary Examiner
Art Unit 2632

B.L.